IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 986 OF 2003

IN

SUM. SUIT NO. 2234 OF 2003

Beacon Laboratories
Pvt. Ltd., .. Plaintiffs

vs.

Diamant Boart India
Pvt. Ltd., & Ors. .. Defendants.

Mr. Y. R. Shah for plaintiffs.
Mr. Shailesh Shah with Agues Baradia i/by
M/s. Thakordas & Madgaonkar
for the defendants.

CORAM : S.U. KAMDAR, J.
DATE : 16th August, 2005.

P.C.

. In the present case goods were sold and delivered in 1996 and even the cheques which are dishonoured are also in 1996. The acknowledgement of liability on which reliance has been placed is of 31.3.1997 Exhibit "F" to the plaint. The next acknowledgement of liability is of 7.4.2000 which is

beyond the period of three years from 31.3.1997. Between 31.3.1997 to 7.4.2000 there are no acknowledgement of part payment and thus the claim has been barred by law of limitation. In view thereof summons for judgment is dismissed. Unconditional leave to defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.